IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10245 of 2004

Between:

E. Rama Subba Reddy, S/o. Subbi Reddy,
R/o. Somaladoddi Village, Anantapur Mandal and District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Anantapur.
3 A. Uma Devi, W/o. not Known, Temporary Dealer, Fair Price Shop, Somaladoddi Village, Anantapur Mandal & District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring and setting aside the order dt. 15-6-2004 passed in Rc.No. K4/673/2004 on the file of the first respondent herein as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner:MR.N.RANGA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following O R D E R:

This writ petition is filed by the petitioner aggrieved by the interim order passed by the first respondent dated 15-06-2004, under which restoration of authorization in favour of the petitioner as a fair price shop dealer was stayed pending disposal of the appeal with a further direction to continue the temporary arrangement made during pendency of the proceedings before the Revenue Divisional Officer, Ananthapur-the second respondent.

2. Petitioner was originally appointed as fair price shop dealer of Somaladoddi Village, Ananthapur Mandal, in the year 1983 and subsequently in the year 1995, he was elected as Sarpanch of Somaladoddi village. By virtue of the said election as Sarpanch, petitioner cannot hold the authorization, therefore, the authorities suspended his authorisation and alternative arrangement was made, under which the third respondent was appointed as a temporary dealer. During continuance of the petitioner as Sarpanch, the proceedings were kept pending and after the term of the petitioner as Sarpanch was over, he moved the second respondent, who finally passed an order restoring authorization of the petitioner on the ground that he was not holding the post of Sarpanch as on the date of order. The said order was assailed by the third respondent before the first respondent, and the first respondent was inclined to pass an interim order directing the second respondent to continue the temporary arrangement made till the disposal of the appeal. Aggrieved by the same, the petitioner has come up with the present writ petition.

3. Learned counsel for the petitioner contended that the third respondent who was a temporary dealer has no *locus standi* to assail the order passed in favour of the petitioner. It is stated that pursuant to

the orders of the second respondent, the petitioner has deposited some amount for release of the essential commodities for distribution, therefore, sought for a direction to allow the petitioner to distribute the essential commodities.

4. Heard both sides.

5. Admittedly, petitioner was appointed as a fair price shop dealer of Somaladoddi village. As he was elected as Sarpanch, his authorization was suspended and the third respondent was appointed as a temporary dealer. After the term of the petitioner was over, he moved the second respondent, who passed an order restoring the authorization of the petitioner, and the same was suspended by the first respondent on an appeal filed by the third respondent. Though the learned counsel for the petitioner advanced various arguments, this Court declines to go into merits as the appeal is still pending before the appellate authority.

6. In these circumstances, the writ petition is disposed of directing the first respondent to dispose of the appeal pending before him, within a period of four weeks from the date of receipt of a copy of this order. If the petitioner has made any deposit towards release of the essential commodities, he is entitled to get refund of the amount in view of the interim order passed by the first respondent.

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23-06-2004

Note:Furnish C.C in two days
B/o
vrn

To
1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Anantapur.

3. Two C.Cs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)
4. Two C.D. copies